

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 24512 PERMIT 16789 LICENSE

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE
AND ADDING A POINT OF REDIVERSION (BY CORRECTION)

WHEREAS:

1. Permit 16789 was issued to Pacific Gas and Electric Company, on June 2, 1976, pursuant to Application 24512.
2. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board (Board).
3. Board should add (by correction) Wishon Dam, as a Point of Rediversion for pumpback operation.
4. The permittee has proceeded with diligence and good cause has been shown for said extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 2 of the permit be amended by adding the following:

Location of Point of Rediversion:

Wishon Dam, South 20°10' East, 1,830 feet from the NW corner of Section 6, T11S, R28E, MDB&M; being within the SW¼ of NW¼ of said Section. Also described as California Coordinate System, Zone 4, North 608,400 and East 2,009,600.

(0000002)

2. Condition 8 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

December 31, 1990

(0000008)

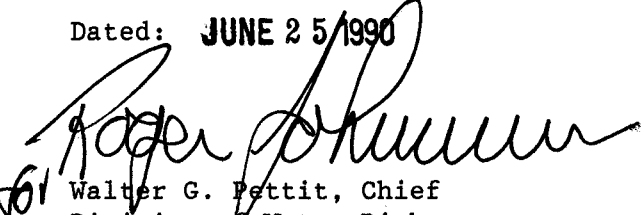
3. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 1994

(0000009)

Dated: **JUNE 25 1990**


Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 24512

PERMIT 16789

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 8 of the permit is amended to read as follows:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

December 1, 1987

2. Paragraph 9 of the permit is amended to read as follows:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 1, 1988

3. Paragraph 12 of this permit is deleted. A new Paragraph 12 is added as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4)

suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) to installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(000 0012)

Dated: MARCH 21 1985

H. D. Johnson
for Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 24512

PERMIT 16789

LICENSE _____

ORDER AMENDING PERMIT TERMS

WHEREAS:

1. Agreements have been reached between the State Department of Fish and Game and Pacific Gas and Electric Company regarding protection of fish and wildlife. The State Water Resources Control Board has reserved jurisdiction over this permit, under Permit Term 18, to impose all or any part of such agreement.
2. Permit Term 15 is not sufficiently accurate in stating that this permit is subject and conditional upon agreement between protestants and the Pacific Gas and Electric Company.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Permit Term 12 be amended to read as follows:

Standard Permit Term of Section 761a, Title 23,
California Administrative Code:

Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement

such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) to installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

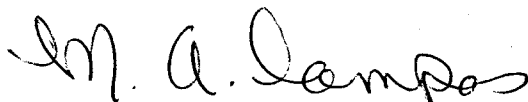
2. Permit Term 15 be amended to read as follows:

THIS PERMIT IS SUBJECT TO AND CONDITIONED UPON THAT AGREEMENT DATED DECEMBER 20, 1954, AS SUPPLEMENTED AND AMENDED BY AGREEMENT DATED JANUARY 18, 1972, BETWEEN PACIFIC GAS AND ELECTRIC COMPANY AND KINGS RIVER WATER ASSOCIATION WHOSE NAMES ARE SUBSCRIBED TO SAID AGREEMENT.

3. Permit Term 18 be amended to read as follows:

THIS PERMIT IS EXPRESSLY SUBJECT TO THE TERMS AND CONDITIONS OF THE FISHERY AGREEMENT, DATED SEPTEMBER, 1977, AND WILDLIFE AGREEMENT, DATED FEBRUARY, 1978, BOTH AGREEMENTS BEING BETWEEN PACIFIC GAS AND ELECTRIC COMPANY AND THE STATE DEPARTMENT OF FISH AND GAME FOR THE PROTECTION OF FISH AND WILDLIFE.

Dated: JUNE 13 1979



Michael A. Campos, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT **16789**

Application 24512 of PACIFIC GAS AND ELECTRIC COMPANY

77 BEALE STREET, SAN FRANCISCO, CALIFORNIA 94106

filed on DECEMBER 20, 1973, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

(1) HELMS CREEK

NORTH FORK KINGS RIVER

(2) NORTH FORK KINGS RIVER

KINGS RIVER

2. Location of point of diversion: STORAGE AND DIRECT DIVERSION	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridan
COURTRIGHT DAM (1) S 1°24' E, 1,022 FT. FROM NE CORNER OF SECTION 12	NW1/4 OF NW1/4	7	10S	28E	MD
WISHON DAM (2) S 20°10' E, 1,830 FT. FROM NW CORNER OF SECTION 6	SW1/4 OF NW1/4	6	11S	28E	MD
REDIVERSION					
HAAS POWERHOUSE INTAKE - S 6°06' E, 1,120 FT. FROM NW CORNER OF SECTION 6	NW1/4 OF NW1/4	6	11S	28E	MD
BALCH POWERHOUSE INTAKE - S 63°05' E, 1,613 FT. FROM NW CORNER OF SECTION 3	NE1/4 OF NW1/4	3	12S	27E	MD
KINGS RIVER POWERHOUSE INTAKE - S 84°03' W, 2,495 FT. FROM NE CORNER OF SECTION 12	NE1/4 OF NW1/4	12	12S	26E	MD

County of FRESNO

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridan	Acres
POWER						
DOMESTIC	HELMS POWER HOUSE SE1/4 OF SW1/4	19	10S	28E	MD	
	HAAS POWER HOUSE NE1/4 OF SW1/4	34	11S	27E	MD	
	BALCH POWER HOUSE NW1/4 OF NE1/4	12	12S	26E	MD	
	KINGS RIVER POWER HOUSE E1/2	17	12S	26E	MD	

The place of use is shown on map filed with the State Water Resources Control Board.

5. THE WATER APPROPRIATED SHALL BE LIMITED TO THE QUANTITY WHICH CAN BE BENEFICIALLY USED AND SHALL NOT EXCEED (A) BY DIRECT DIVERSION: (1) 9,000 CUBIC FEET PER SECOND FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR FOR POWER PURPOSES, (2) 1,700 GALLONS PER DAY FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR FOR DOMESTIC PURPOSES; AND (B) BY STORAGE 57,000 ACRE-Feet PER ANNUM TO BE COLLECTED FROM NOVEMBER 1 OF EACH YEAR TO JULY 31 OF THE SUCCEEDING YEAR FOR POWER PURPOSES.

THE TOTAL AMOUNT OF WATER TO BE TAKEN FROM THE SOURCES FOR DOMESTIC USE SHALL NOT EXCEED 2 ACRE-Feet AND FOR POWER USE SHALL NOT EXCEED 2,657,000 ACRE-Feet PER WATER YEAR OF OCTOBER 1 TO SEPTEMBER 30. (000 0005)

THIS PERMIT DOES NOT AUTHORIZE COLLECTION OF WATER TO STORAGE OUTSIDE OF THE SPECIFIED SEASON TO OFFSET EVAPORATION AND SEEPAGE LOSSES OR FOR ANY OTHER PURPOSE.

THE MAXIMUM RATE OF DIVERSION TO OFFSTREAM STORAGE SHALL NOT EXCEED 7,200 CUBIC FEET PER SECOND.

6. THE AMOUNT AUTHORIZED FOR APPROPRIATION MAY BE REDUCED IN THE LICENSE IF INVESTIGATION WARRANTS. (000 0006)

7. ACTUAL CONSTRUCTION WORK SHALL BEGIN ON OR BEFORE TWO YEARS FROM DATE OF PERMIT AND SHALL THEREAFTER BE PROSECUTED WITH REASONABLE DILIGENCE, AND IF NOT SO COMMENCED AND PROSECUTED, THIS PERMIT MAY BE REVOKED. (000 0007)

8. SAID CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1982. (000 0008)

9. COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE DECEMBER 1, 1986. (000 0009)

10. PROGRESS REPORTS SHALL BE SUBMITTED PROMPTLY BY PERMITTEE WHEN REQUESTED BY THE STATE WATER RESOURCES CONTROL BOARD UNTIL LICENSE IS ISSUED. (000 0010)

11. PERMITTEE SHALL ALLOW REPRESENTATIVES OF THE STATE WATER RESOURCES CONTROL BOARD AND OTHER PARTIES AS MAY BE AUTHORIZED FROM TIME TO TIME BY SAID BOARD, REASONABLE ACCESS TO PROJECT WORKS TO DETERMINE COMPLIANCE WITH THE TERMS OF THIS PERMIT. (000 0011)

12. PURSUANT TO CALIFORNIA WATER CODE SECTION 100, ALL RIGHTS AND PRIVILEGES UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO, INCLUDING METHOD OF DIVERSION, METHOD OF USE, AND QUANTITY OF WATER DIVERTED, ARE SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD IN ACCORDANCE WITH LAW AND IN THE INTEREST OF THE PUBLIC WELFARE TO PREVENT WASTE, UNREASONABLE USE, UNREASONABLE METHOD OF USE, OR UNREASONABLE METHOD OF DIVERSION OF SAID WATER.

THIS CONTINUING AUTHORITY OF THE BOARD MAY BE EXERCISED BY IMPOSING SPECIFIC REQUIREMENTS OVER AND ABOVE THOSE CONTAINED IN THIS PERMIT WITH A VIEW TO MINIMIZING WASTE OF WATER AND TO MEETING THE REASONABLE WATER REQUIREMENTS OF PERMITTEE WITHOUT UNREASONABLE DRAFT ON THE SOURCE. PERMITTEE MAY BE REQUIRED TO IMPLEMENT SUCH PROGRAMS AS (1) REUSING OR RECLAIMING THE WATER ALLOCATED; (2) RESTRICTING DIVERSIONS SO AS TO ELIMINATE AGRICULTURAL TAILWATER OR TO REDUCE RETURN FLOW; (3) SUPPRESSING EVAPORATION LOSSES FROM WATER SURFACES; (4) CONTROLLING PHREATOPHYTIC GROWTH; AND (5) INSTALLING, MAINTAINING, AND OPERATING EFFICIENT WATER MEASURING DEVICES TO ASSURE COMPLIANCE WITH THE QUANTITY LIMITATIONS OF THIS PERMIT AND TO DETERMINE ACCURATELY WATER USE AS AGAINST REASONABLE WATER REQUIREMENTS FOR THE AUTHORIZED PROJECT. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD DETERMINES, AFTER NOTICE TO AFFECTED PARTIES AND OPPORTUNITY FOR HEARING, THAT SUCH SPECIFIC REQUIREMENTS ARE PHYSICALLY AND FINANCIALLY FEASIBLE AND ARE APPROPRIATE TO THE PARTICULAR SITUATION. (000 0012) replaced 3-21-85

13. THE QUANTITY OF WATER DIVERTED UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO IS SUBJECT TO MODIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD IF, AFTER NOTICE TO THE PERMITTEE AND AN OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY TO MEET WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREFTER MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD FINDS THAT (1) ADEQUATE WASTE DISCHARGE REQUIREMENTS HAVE BEEN PRESCRIBED AND ARE IN EFFECT WITH RESPECT TO ALL WASTE DISCHARGES WHICH HAVE ANY SUBSTANTIAL EFFECT UPON WATER QUALITY IN THE AREA INVOLVED, AND (2) THE WATER QUALITY OBJECTIVES CANNOT BE ACHIEVED SOLELY THROUGH THE CONTROL OF WASTE DISCHARGES. (0000013)

14. IN COMPLIANCE WITH FISH AND GAME CODE SECTION 5943, PERMITTEE SHALL ACCORD TO THE PUBLIC, FOR THE PURPOSE OF FISHING, REASONABLE RIGHT OF ACCESS TO THE WATERS IMPOUNDED BY COURTRIGHT DAM AND WISHON DAM DURING THE OPEN SEASON FOR THE TAKING OF FISH, SUBJECT TO THE REGULATIONS OF THE FISH AND GAME COMMISSION. (0030064)

15. THIS PERMIT IS SUBJECT TO AND CONDITIONED UPON THAT AGREEMENT BETWEEN PROTESTANTS AND THE PACIFIC GAS AND ELECTRIC COMPANY, DATED DECEMBER 20, 1954, AS SUPPLEMENTED AND AMENDED BY AGREEMENT DATED JANUARY 18, 1972. (0000300) amended 6-13-79

16. ANY ORDER MADE ON THE PETITIONS FILED CONCURRENTLY WITH THIS APPLICATION UNDER LICENSE 9103 AND PERMITS 10321 AND 12344 (APPLICATIONS 12242, 12726 AND 18227) SHALL RECOGNIZE AND REAFFIRM THAT THE LICENSE AND PERMITS ARE SUBJECT TO AND CONDITIONED UPON THE AGREEMENTS REFERRED TO IN TERM 15. (0000300)

17. PERMITTEE MAY DIVERT ANNUALLY UP TO TWO ACRE-FEET OF WATER FOR INCIDENTAL DOMESTIC USE IN CONNECTION WITH THE OPERATION OF ITS PROPOSED DEVELOPMENT INCLUDING RECREATIONAL FACILITIES. THE SOURCES OF WATER SUPPLY WILL BE: COURTRIGHT LAKE, HELMS POWERHOUSE TAILRACE TUNNEL AND SHORT HAIR CREEK, A TRIBUTARY TO LAKE WISHON. (0000900)

18. THE STATE WATER RESOURCES CONTROL BOARD RESERVES JURISDICTION OVER THIS PERMIT TO IMPOSE ALL OR ANY PART OF SUCH FISH AND WILDLIFE PROTECTIVE TERMS AS MAY BE AGREED TO BY PERMITTEE AND THE DEPARTMENT OF FISH AND GAME AND/OR TO INCLUDE, AFTER NOTICE AND OPPORTUNITY FOR HEARING, ADDITIONAL TERMS WHICH, IN ITS JUDGMENT, ARE NECESSARY AND IN THE PUBLIC INTEREST TO PROTECT FISH AND WILDLIFE. IN THE ABSENCE OF SUCH AGREEMENT WITHIN ONE YEAR AFTER ISSUANCE OF THIS PERMIT, OR SUCH FURTHER TIME AS THE BOARD FOR GOOD CAUSE MAY ALLOW, THE BOARD, AFTER NOTICE AND OPPORTUNITY FOR HEARING, MAY IMPOSE TERMS UPON ITS OWN INITIATIVE DEEMED TO BE APPROPRIATE AND NECESSARY FOR THE PROTECTION OF FISH AND WILDLIFE. (0400300) amended 6-13-79

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: JUN 2 1976

STATE WATER RESOURCES CONTROL BOARD

R. A. Rasmussen
Chief, Division of Water Rights